



NEW JERSEY OFFICE
06 POMPTON AVENUE, SUITE 25
CEDAR GROVE, NJ 07009
(973) 239-4300

NEW YORK OFFICE
347 5TH AVENUE, SUITE 1402
NEW YORK, NY 10016
(646) 205-2259

January 10, 2025

Via ECF

Hon. Brian R. Martinotti
United States District Court Judge
Frank Lautenberg Post Office
United States Courthouse
2 Federal Square
Newark, NJ 07101

Re: *United States v. Kearney, et al.*
Crim. No. 2:21-CR-00838 (BRM)

Dear Judge Martinotti,

Please accept this letter brief as a motion to supplement the defense's in limine motion. We have conferred with the government and they are aware that this supplement is forthcoming to Your Honor.

I. The government should be precluded from referring to either the alleged conspiracy or the individuals alleged to comprise the conspiracy as part a Drug Trafficking Organization, ("DTO"), a "gang," or a "crew."

The defense has conferred with the government and it is the defense's understanding that the government will not be referring to the alleged conspiracy as a Drug Trafficking Organization or a gang. They have indicated that they may refer to the alleged conspiracy as "the 295 Fairmount Crew," or may use the word "crew" when referring to the conspiracy. The defense would object to the government referring to the alleged conspiracy in that manner because these words are prejudicial in and of themselves, and they also suggest or allows the inference that Mr. Kearney is part of an enterprise, which is also highly prejudicial. To that end, the defense already objected to the admittance of government Exhibits 320 and 320A in our initial *in limine* motion. They

both have a caption that includes the word “gang” on it. If the Court were to allow either of those exhibits into evidence, the defense would respectfully request that the caption, “THE WHOLE GANG OUTSIDE WITH IT” be redacted, as it references gang membership and is highly prejudicial.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'L. Gauli-Rufo'.

Lorraine Gauli-Rufo, Esq.
Attorney for Angel Kearney

cc: Robert Frazer, AUSA
James Graham, AUSA